UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/618,494	07/11/2003	James Owen	BEAS-01370US0	5406

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EXAMINER
KIM, PAUL

ART UNIT	PAPER NUMBER
2161	

SHORTENED STATUTORY PERIOD OF RESPONSE	MAIL DATE	DELIVERY MODE
3 MONTHS	03/07/2007	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

	Application No.	Applicant(s)
	10/618,494	OWEN ET AL.
Office Action Summary	Examiner	Art Unit	
	Paul Kim	2161	

-- *The MAILING DATE of this communication appears on the cover sheet with the correspondence address* --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE <u>3</u> MONTH(S) OR THIRTY (30) DAYS,
WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.
- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed
  after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
  Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any
  earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on <u>06 December 2006</u>.

2a)☐ This action is **FINAL**.   2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is
closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) <u>1-7,17-25,34-45,54-65 and 74</u> is/are pending in the application.

    4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) <u>1-7,17-25,34-45,54-65 and 74</u> is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

    Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

    Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

    a)☐ All b)☐ Some * c)☐ None of:

      1.☐ Certified copies of the priority documents have been received.

      2.☐ Certified copies of the priority documents have been received in Application No. _____.

      3.☐ Copies of the certified copies of the priority documents have been received in this National Stage
application from the International Bureau (PCT Rule 17.2(a)).

    * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1)☒ Notice of References Cited (PTO-892)

2)☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)

3)☒ Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date <u>See Attached</u>.

4)☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ .

5)☐ Notice of Informal Patent Application

6)☐ Other: _____ .

Information Disclosure Statement(s):

a. 31 March 2004;

b. 08 September 2004;

c. 19 October 2004;

d. 06 January 2005;

e. 07 February 2005;

f. 16 March 2005;

g. 13 February 2006;

h. 21 June 2006;

i. 26 July 2006; and

j. 24 January 2007

DETAILED ACTION

1.   This Office action is responsive to the following communication: Amendment filed on 6
December 2006.

2.   Claims 1-7, 17-25, 34-45, 54-65, and 74 are pending and present for examination. Claims 1, 17,
18, 34, 54, and 74 are independent.

Election/Restrictions

3.   Applicant's election of Group 1 (Claims 1-7, 17-25, 34-45, 54-65, and 74) in the reply filed on 6
December 2006 is acknowledged. Because applicant did not distinctly and specifically point out the
supposed errors in the restriction requirement, the election has been treated as an election without
traverse (MPEP § 818.03(a)).

Information Disclosure Statement

4.   The following information disclosure statements (IDS) submitted are in compliance with the
provisions of 37 CFR 1.97:

      a.   31 March 2004;
      b.   08 September 2004;
      c.   19 October 2004;
      d.   06 January 2005;
      e.   07 February 2005;
      f.   16 March 2005;
      g.   13 February 2006;
      h.   21 June 2006;
      i.   26 July 2006; and
      j.   24 January 2007

Accordingly, the information disclosure statement is being considered by the examiner.

Claim Rejections - 35 USC § 112

5.   The following is a quotation of the second paragraph of 35 U.S.C. 112:

> The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

6.   **Claims 3-7, 21-25, 41-45, and 61-65** are rejected under 35 U.S.C. 112, second paragraph,

as being indefinite for failing to particularly point out and distinctly claim the subject matter which

applicant regards as the invention. It is unclear what the Applicant's intended metes and bounds of the

claim are since the aforementioned claims recite the claim limitation of "functions that enable." However,

the aforementioned claim limitations simply cover anything and everything that does not prohibit actions

from occurring.

Claim Rejections - 35 USC § 101

7.   35 U.S.C. 101 reads as follows:

> Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

8.   **Claims 1-7, 17-25, 34-45, 54-65, and 74** are rejected under 35 U.S.C. 101 because the

claimed invention is directed to non-statutory subject matter. The aforementioned claims recite multiple

steps wherein an application program interface comprises of functions which enable the API to perform

certain operations. However, the aforementioned claim limitations simply cover anything and everything

that does not prohibit actions from occurring. Therefore, the claims lack a "useful, concrete and tangible

result." See State Street, 149 F.3d at 1373, 47 USPQ2d at 1601-02. MPEP 2106. "The claimed invention

as a whole must accomplish a practical application. That is, it must produce a 'useful, concrete and

tangible result' " (emphasis added).

Claim Rejections - 35 USC § 102

9. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis

for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371(c) of this title before the invention thereof by the applicant for patent.

The changes made to 35 U.S.C. 102(e) by the American Inventors Protection Act of 1999 (AIPA)

and the Intellectual Property and High Technology Technical Amendments Act of 2002 do not apply when

the reference is a U.S. patent resulting directly or indirectly from an international application filed before

November 29, 2000. Therefore, the prior art date of the reference is determined under 35 U.S.C. 102(e)

prior to the amendment by the AIPA (pre-AIPA 35 U.S.C. 102(e)).

10. **Claims 1-4, 6-7, 17-23, 24-25, 34-42, 44-45, 54-62, 64-65, and 74** are rejected under 35

U.S.C. 102(e) as being anticipated by Park et al (USPGPUB No. 2004/024812, hereinafter referred to as

PARK), PCT Filed on 5 November 2001, and published on 5 February 2004.

11. **As per independent claims 1, 17, and 18 and dependent claims 19, 39, and 59,** PARK

teaches:

An application program interface (API) embodied on one or more computer readable media, comprising:

a first group of services related to integrating content repositories into virtual content repositories (VCRs) {See PARK, Para. [0035], wherein this reads over "an integrate search service for integrating data from various data sources and allowing for search based on search conditions"};

a second group of services related to manipulating information in VCRs {See PARK, Para. [0059], wherein this reads over "the container hash map module 52 fetches the container from the content repository 70 through a repository content manager 61, loads the container on the memory of the service publication server 4, and converts the container into a container document object model (DOM) object"};

a third group of services related to searching VCRs {See PARK, Para. [0035], wherein this reads over "an integrate search service for integrating data from various data sources and allowing for search based on search conditions"};

a forth group of services related to configuring VCRs {See PARK, Para. [0058], wherein this reads over "the content request API 53 transmits the request to the content transformation module 54"}; and

wherein the application program interface is compatible with a content repository service provider interface (SPI) {See PARK, Para. [0069], wherein this reads over "the content producer can use the content manipulation API 51 in the service publication server"}.

12. **As per dependent claims 2, 20, 40, and 60,** PARK teaches:

The application program interface of claim 1 wherein:

the SPI provides a subset of the services available in the API {See PARK, Para. [0057], wherein this reads over "The service publication server 4 is an engine for integrally generating static data and dynamic data and roughly provides a real-time data conversion function including a multimedia conversion function, a program publication function, a content manipulation function, and a user/community and session management function"}.

13. **As per dependent claims 3, 21, 41, and 61,** PARK teaches:

The application program interface of claim 1 wherein the first group of services comprises:

first functions to enable authorizing access to content repositories {See PARK, Para. [0070], wherein this reads over "checking the authority of a user or community to access a particular content through the content manipulation API"}; and

second functions to enable incorporating content repositories into a hierarchical namespace {See PARK, Para. [0035], wherein this reads over "an integrate search service for integrating data from various data sources and allowing for search based on search conditions"}; and

third functions to enable extending a VCR content model to represent information in content repositories {See PARK, Para. [0059], wherein this reads over "the container hash map module 52 fetches the container from the content repository 70 through a repository content manager 61, loads the container on the memory of the service publication server 4, and converts the container into a container document object model (DOM) object"}.

14. **As per dependent claims 4, 22, 42, and 62,** PARK teaches:

The application program interface of claim 3 wherein:

authorizing access to content repositories includes providing authentication information to repositories and receiving authentication results from content repositories {See PARK, Para. [0070], wherein this reads over "The user/community and session management function of the service publication server 4 is performed by the user/community and session manager 60. The user/community and session management function includes checking the authority of a user or community to access a particular content through the content manipulation API 51 and recording the users requests through the content request API 53 in the form of logs"}.

15. **As per dependent claims 6, 24, 44, and 64,** PARK teaches:

The application program interface of claim 3 wherein:

incorporating content repositories into a hierarchical namespace includes representing content repositories as nodes under a single VCR root node {See PARK, Figure 5; and Para. [0035], wherein this reads over "an integrate search service for integrating data from various data sources and allowing for search based on search conditions"}.

16. **As per dependent claims 7, 25, 45, and 65,** PARK teaches:

The application program interface of claim 3 wherein:

extending a VCR content model to represent information in content repositories includes sharing a common representation of content between the API and the SPI {See PARK, Para. [0059], wherein this reads over "the container hash map module 52 fetches the container from the content repository 70 through a repository content manager 61, loads the container on the memory of the service publication server 4, and converts the container into a container document object model (DOM) object"}.

17. **As per independent claims 34, 54, and 74,** PARK teaches:

A method for providing a virtual content repository (VCR) representing at least one content repository, comprising:

providing an application program interface (API) {See PARK, Para. [0058], wherein this reads over "the content request API 53 transmits the request to the content transformation module 54"};

providing a service provider interface (SPI) to be implemented by the at least one content repository {See PARK, Para. [0069], wherein this reads over "the content producer can use the content manipulation API 51 in the service publication server"}; and

wherein the API and the SPI are compatible and share a common content model and a common namespace {See PARK, Para. [0059], wherein this reads over "the container hash map module 52 fetches the container from the content repository 70 through a repository content manager 61, loads the container on the memory of the service publication server 4, and converts the container into a container document object model (DOM) object"}.

18. **As per dependent claims 35 and 55,** PARK teaches:

The method of claim 34 wherein the content model includes:

a set of hierarchically related objects {See PARK, Para. [0041], wherein this reads over "The containers 74 are stored in a directory 72 having a hierarchical structure, and the directory 72 may include one or more sub-directories"}.

19. **As per dependent claims 36 and 56,** PARK teaches:

The method of claim 34 wherein the namespace makes addressable the content in the at least one content repository {See PARK, Para. [0035], wherein this reads over "an integrate search service for integrating data from various data sources and allowing for search based on search conditions"}.

20.   **As per dependent claims 37 and 57,** PARK teaches:

The method of claim 34 wherein the API includes:

services for performing operations on the namespace and the content model {See
PARK, Para. [0035], wherein this reads over "an integrate search service for integrating data from
various data sources and allowing for search based on search conditions"}.

21.   **As per dependent claims 38 and 58,** PARK teaches:

The method of claim 34 wherein the SPI includes:
services for merging contents of the at least one content repository into the
namespace and the content model {See PARK, Para. [0035], wherein this reads over "an
integrate search service for integrating data from various data sources and allowing for search based
on search conditions"}.

Claim Rejections - 35 USC § 103

22.   The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness

rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in
section 102 of this title, if the differences between the subject matter sought to be patented and the prior art
are such that the subject matter as a whole would have been obvious at the time the invention was made to a
person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be
negatived by the manner in which the invention was made.

23.   **Claims 5, 23, 43, and 63** are rejected under 35 U.S.C. 103(a) as being unpatentable over

PARK, in view of Official Notice.

24.   **As per dependent claims 5, 23, 43, and 63,** the Examiner takes Official Notice that it would

have been obvious to one of ordinary skill in the art to utilize Java Authentication and Authorization

Service (JAAS) for authorizing access to content repositories since JAAS was widely known and readily

used for said authorization purposes at the time the invention was made.

Conclusion

25.   Any inquiry concerning this communication or earlier communications from the examiner should

be directed to Paul Kim whose telephone number is (571) 272-2737. The examiner can normally be

reached on M-F, 9am - 5pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Apu

Mofiz can be reached on (571) 272-4080. The fax phone number for the organization where this

application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application

Information Retrieval (PAIR) system. Status information for published applications may be obtained from

either Private PAIR or Public PAIR. Status information for unpublished applications is available through

Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should

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866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or

access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

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